

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 31 2023

at 12 o'clock and 15 min. P M
Lucy H. Carrillo, Clerk LS

CC: KJM/ FILER

W/ BLANK TFP, D.O, A.16,
CONSENT

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

Karl Orlando Dicks, *sui juris*
James Ryan Malish, *pro se*
Daniel Decker, *pro se*

Plaintiffs

VS.

HAWAII REPUBLICAN PARTY *et al*
(Names listed in Parties)

STATE OF HAWAII;
OFFICE OF ELECTIONS *et al*
SCOTT NAGO

ELECTION COMMISSION, *et al*
(Names listed in Parties)

FIRST CIRCUIT COURT, *et al*
(Names listed in Parties)

DEPARTMENT of the ATTORNEY
GENERAL, *et al*
(Names listed in Parties)

SUPREME COURT, *et al*
(Names listed in Parties)

Defendants

Case: _____

CIVIL COMPLAINT

CV23 00370 KJM

CIVIL COMPLAINT

Plaintiff(s) hereby bring this Complaint as per Rule1, Scope and Purpose, Rule 2 One Form of Action, Rule 3 Commencing an Action, Rule 5.1. Constitutional Challenge to a Statute—Notice, Certification, and Intervention.

PARTIES

PLAINTIFFS:

Karl O. Dicks sui-juris (Republican candidate)

1025 Uluwale St.

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Email: kwk@hawaiiantel.net

James Ryan Malish pro se (non partisan candidate)

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Daniel Decker, pro se (Aloha Aina candidate)

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Ph. 808- 594-2197

Email: daniel_decker42@yahoo.com

DEFENDANTS:

HAWAII REPUBLICAN PARTY, et al; to be further known as (HRP)

Shirlene Ostrov, Lynne Finnegan, Gene Ward, Laura Nakanelua,

Miriam(Janice)Hellreich, Joel Borgquist, Diamond Garcia, Tiana Elesaria, Jeff

Coakley, Henry Vincent III., Mele Songsong, Brett Kulbis, Celyn Chong Kee,

Patricia Saiki, Mark Blackburn, Steve Holk, Kurt Fevella, Steve Yoder, Donna Van

Osdol,(common names as per HRS§634-30 (1))

STATE OF HAWAII OFFICE OF ELECTIONS, et al ;

SCOTT NAGO (in their individual and official capacity as Chief Election Officer)

ELECTION COMMISSION, et al;

SCOTTY ANDERSON (Chair) (in their individual and official capacity)

STATE OF HAWAII FIRST CIRCUIT COURT, et al:

JAMES ASFORD, (in their individual and official capacity as Agency Appeal Judge)

KEVIN T. MORIKONE (in their individual and official capacity as a Judge)

STATE OF HAWAII DEPARTMENT OF THE ATTORNEY GENERAL, et al ;

ANNE E. LOPEZ, (in their individual and official capacity)

HOLLY T. SHIKADA, (in their individual and official capacity)

PATRICIA OHARA, (in their individual and official capacity)

REESE R. NAKAMURA, (in their individual and official capacity)

STATE OF HAWAII SUPREME COURT, et al:

Chief Justice, MARK E. RECKENWALD, (in their individual and official capacity)

Associate Justice, PAULA A. NAKAYAMA, (in their individual and official capacity)

Associate Justice SABRINA S. MC KENNA, (in their individual and official capacity)

Associate Justice, MICHAEL D. WILSON, (in their individual and official capacity)

Associate Justice, TODD W. EDDINS, (in their individual and official capacity)

BASIS for JURISDICTION

- Federal courts are courts of limited jurisdiction (limited power). Generally only 2 types of cases can be heard in federal courts: involving a federal question and cases involving diversity of citizenship of the parties. Under 28 USC§1331, a case arising under the United States Constitution or Federal laws or Treaties is a Federal Case. Under 28 USC§1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same state as any plaintiff.

What is the basis for federal court jurisdiction? List the specific Federal statutes, treaties, and/or provisions of the United States Constitution.

FEDERAL

United States Constitution:

1st Amendment, (*and to petition the Government for a redress of grievances.*)

5th Amendment, (*nor be deprived of life, liberty, or property, without due process of law*)

14th Amendment, Section 1, (*nor shall any state deprive any person of life, liberty, or property, without due process of law*)

18 USC-§241- Conspiracy against Rights
18 U.S.C. §242- Deprivation of Rights Under Color of Law-
42 U.S.C. §1983 Civil action for deprivation of rights,
42 U.S.C. §1985 (1),(2),(3)- Conspiracy to interfere with civil rights
RICO- USC-1962

STATE OF HAWAII

State of Hawaii Constitution;

Article I. Bill of Rights;

Section 1- Political Power

Section 4- Registration; Voting

Section 5- Due Process and Equal Protection

Article II- Suffrage and Elections;

Violations of State of Hawai'i, Title 2, Elections statutes

HRS§11-2, 11-2.8, HRS §11-61, §11-62, §11-63, §11-64, §11-65, §12-21, §12-31, §19-3

HRS §705-520 Criminal Conspiracy

HRS§ 414D-138(b)

STATEMENT OF THE CASE

COUNT 1.

Official Records, By the State of Hawaii Office of Elections reflect that the HRP's most recent submission of amendments, rules was submitted June 4, 2022. This filing was over 2 months past the deadline of March 11, before 4:30 pm. The most recent filing of List of Officers, members of the party was done on June 4, 2022. This was also filed late, as the deadline was May 9 before 4:30 pm. There is no record of any request for enlargement of time, made by HRP.

Official Records of the State of Hawaii Office of Elections reflect that HRP's most recent submission of amendments, rules and party officers, members was done on June 4, 2022, and failed to meet document submission deadlines as set forth HRS 11-63 and HRS 11-64. This failure by HRP, Executive Committee to file as required in HRS§11-63 and HRS§11-16 for the years of 2019, 2020, 2021 and 2022 consequently highlights that there is a pattern of non- conformance/ compliance, and was in breach of HRS 11-61 for these years, along with other violations of Party by-laws, rules and state statutes, and was an intrusion on members and others Individual rights 2018 till present.

Plaintiffs aver that the Official Records of the State of Hawaii Office of Elections reflect HRP, did NOT file any of the required, proper documentation to Qualify as a Political Party for the State of Hawaii 2020 Primary and State of Hawaii 2020 General Election Ballots.

Plaintiffs aver that the Official Records of the State of Hawaii Office of Elections reflect HRP, did NOT file any of the required, proper documentation to Qualify as a Political Party for the State of Hawaii 2022 Primary and the 2022 General Election Ballots.

Official Records of the State of Hawaii Office of Elections reflect HRP was listed as a Qualified Political Party on the Official ballots listed lines 113-120 of this document.

Plaintiffs aver that the HAWAII REPUBLICAN PARTY, et al, (common names listed above) did commit violations against Plaintiffs 1st, 5th, and 14th Amendments of the U.S. Constitution. Thereby Hawaii Republican Party et al did knowing or unknowingly participate in actions which were in the violation of: *18 USC §241*, and *18 U.S.C. §242*, and *42 U.S.C. §1983*, and *42 U.S.C. §1985 (1), (2), (3)*, and *Rico 18 U.S.C. §1962 (d)*, and also Violations of the State of Hawaii Constitution, and the Bill of Rights, Political Power, Section 1, Due Process and Equal Protection, and Section 5, and HRS §705-520 Criminal conspiracy, and Violations of State of Hawai'i, Title 2, Elections statutes *HRS §11-61, §11-62, §11-63, §11-64, §11-65, and HRS §19-3 Election Fraud*.

- Plaintiffs aver Hawaii Republican Party should be disqualified for non compliance as per HRS §11-63, and due to the severity of and showing a pattern of violations, Plaintiffs plead this Honorable Court to Order that Hawaii Republican Party to be Disbanded. Plaintiffs Plead this Honorable Court to remove and to bar HRP Executive Committee members (common names listed above, HRS §634-30 (1)) from holding any positions or as Officers in any Political Party for a period of time of 5 years, after judgment is entered. Judicial removal as per HRS §414D-140.

COUNT 2

STATE OF HAWAII OFFICE OF ELECTIONS et al, SCOTT NAGO

Plaintiffs filed a Complaint on 4/26/2022 with State of Hawaii Office of Elections, the Chief Election Officer; SCOTT NAGO. SCOTT NAGO responded 4/27/2022 “we do not have jurisdiction over the matters you have raised”.

- Political Parties are required to file list of Officers, and their Amended by-laws to the Office of Elections, as per HRS§11-63.

Plaintiffs aver that this clearly indicates that Political Parties are in the Office of Elections jurisdiction. Duties of the Chief Elections Officer as in HRS§11-2, §11-2.8. Plaintiffs aver that SCOTT NAGO did commit violations against Plaintiffs 1st, 5th, and 14th Amendments of the U.S. Constitution. Thereby SCOTT NAGO, Chief Elections Officer, did knowing or unknowingly participate in actions in violation of 18 USC-§241, 18 U.S.C. §242, 42 U.S.C. §1983, 42 U.S.C. §1985 (1),(2),(3), and Rico 18 U.S.C. §1962 (d), and Violations of State of Hawaii Constitution, the Bill of Rights, Political Power, Section 1, and Due Process and Equal Protection, Section 5, HRS §705-520 Criminal conspiracy, and Violations of State of Hawai'i, Title 2, Elections statutes, HRS§11.2, §112.8, HRS §19-3 Election Fraud.

COUNT 3

ELECTION COMMISSION, et al; SCOTTY ANDERSON, State of Hawaii Election Commission Chairman, who has a responsibility under HRS§11-7.5 (1)(2) to hold hearings and investigate Complaints filed. An appeal was filed, and time stamped 5/3/2022.

Plaintiffs aver that No hearings were held, there was no investigation on the record. There was no response from Election Commission at all. Plaintiffs aver this is a violation of HRS§11-7.5 and is nonfeasance, and a violation of the Chairman's Oath of office.

SCOTTY ANDERSON as Election Commission Chairman did commit violations of Plaintiffs 1st, 5th, and 14th Amendments of the U.S. Constitution. Thereby SCOTTY ANDERSON, Election Commission Chair, did knowing or unknowingly participate in actions in violation of 18 USC-§241, 18 U.S.C. §242, 42 U.S.C. §1983, 42 U.S.C. §1985 (1),(2),(3), and Rico 18 U.S.C. §1962 (d) and Violations of State of Hawaii Constitution, the Bill of Rights, Political Power, Section 1, and Due Process and Equal Protection, Section 5, HRS §705-520 Criminal conspiracy, and Violations of State of Hawai'i, Title 2, Elections statutes HRS §19-3 Election Fraud.

COUNT 4

Plaintiffs aver HAWAII REPUBLICAN PARTY, et al, (common names listed above) Executive Committee did engage in improperly removing District Chairs and other District Officers, from positions in which they were properly elected in February and March of 2022. Elections were held for District Chairs, Precinct Chairs and officers in February and March of 2022 and which these officers were elected by their Communities, not by the Political Party, as is proper procedure per by-laws and were properly recorded. HRP knowing or unknowingly were participants in, and declared all districts vacant. This act was in violation of State Statute HRS§414D-138(b). They engaged in removing several members without due process. Plaintiff Dicks was removed as District Chair of District 46. Plaintiff Malish was allegedly removed as a member of the party, with no due process.

Plaintiffs aver that The HRP Executive Committee (common names listed above) did commit violations against Plaintiffs 1st, 5th, and 14th Amendments of the U.S. Constitution, and thereby knowing or unknowingly were participants in actions in violation of 18 USC-§241, 18 U.S.C. §242, 42 U.S.C. §1983, 42 U.S.C. §1985 (1),(2),(3), and Rico 18 U.S.C. §1962(d). HRP Executive Committee did commit Violations of State of Hawaii Constitution, the Bill of Rights, Political Power, Section 1, and Due Process and Equal Protection, Section 5, §705-520 Criminal conspiracy, HRS§ 414D-138(b).

207

COUNT 5

208 Plaintiffs aver that STATE OF HAWAII FIRST CIRCUIT COURT, *et al*,
209 JUDGE JAMES ASHFORD. Agency Appeal Judge JAMES ASHFORD, did
210 improperly dismiss case 1CCV-22-0000660 for allegedly, a lack of jurisdiction. It is
211 in the Court record that the Merits of the case were NOT addressed. The Honorable
212 Judge JAMES ASHFORD did commit violations against Plaintiffs 1st, 5th, and
213 14th Amendments of the U.S. Constitution and knowing or unknowingly participate
214 in actions in violation of 18 USC-§241, 18 U.S.C. §242, 42 U.S.C. §1983, 42
215 U.S.C. §1985 (1),(2),(3), and Rico 18 U.S.C. §1962 (d) and Violations of State of
216 Hawaii Constitution, the Bill of Rights, Political Power, Section 1, and Due Process
217 and Equal Protection, Section 5, HRS §705-520 Criminal conspiracy, and Violations
218 of State of Hawai'i, Title 2, Elections statutes HRS §19-3 Election Fraud.

219

COUNT 6

220 The Honorable Judge KEVIN T. MORIKONE, denied cross claim, and dismissed
221 case 1CCV-22-0001597, without even a hearing on the Merits of the case. Plaintiffs
222 filed on April 9th, DKT. 144, Motion. There were 3 motions. 1. Motion for counter
223 and cross claims, 2. Motion to Joinder, rule 13(h), 3. Motion to leave and amend
224 rule 15(a), Hawaii Rules of Civil Procedure. Motion 1 was dismissed and, case
225 dismissed. Motions 2, 3 have not been addressed in 139 days as of August 28, 2023.
226 Judge KEVIN T. MORIKONE did commit violations against Plaintiffs 1st, 5th, and
227 14th Amendments of the U.S. Constitution, and knowing or unknowingly and did
228 participate in actions in violation of 18 USC-§241, 18 U.S.C. §242, 42 U.S.C. §1983,

42 U.S.C. §1985 (1),(2),(3), and Rico 18 U.S.C. §1962 (d) and Violations of State of Hawaii Constitution, the Bill of Rights, Political Power, Section 1, and Due Process and Equal Protection, Section 5, HRS §705-520 Criminal conspiracy, and Violations of State of Hawai'i, Title 2, Elections statutes HRS §19-3 Election Fraud.

COUNT 7

Plaintiffs aver that the HRP Executive Committee (common names listed above) did NOT file any paperwork with Office of Elections, as per the Office of Elections Official Records to be a Qualified Political Party in the 2020, and 2022 elections, nor did they file as required by HRS §11-63, List of Officers or Amendments to HRP bylaws. The Chief Election Officer did NOT take any actions, nor send any notices to the HRP addressing violations or pending disqualification. The Chief Election Officer SCOTT NAGO, did exercise jurisdiction over Political Parties and did Disqualify the Aloha Aina Party, Disqualify The Green Party, and Disqualify The Constitution Party in the State of Hawaii in 2023 for non conformance to an unconstitutional Vote Quota requirement during an election, and they are not Qualified to be a political party on the ballot in Hawaii.

- The Aloha Aina Party, The Green Party, and The Constitution DID properly file List of Officers, by-law Amendments as required.
- Hawaii Republican Party did NOT file and should NOT have been on the 2020 or 2022 Ballot and thereby did disadvantage, discriminate against The Aloha Aina

249 Party and (candidate Plaintiff, Dan Decker, The Green Party, The Constitution
250 Party, and Non Partisan Candidate, Plaintiff James Ryan Malish.

- 251
- 252 • NOTE: Plaintiffs aver that the State Attorney General is essential and
253 necessary as defined by the Roles and Responsibilities (2) to investigate and
254 initiate actions in civil and criminal violations. This is as per State of Hawaii
255 Department of the Attorney General's official website.
- 256

257 COUNT 8

258 Plaintiffs aver that the STATE OF HAWAII DEPARTMENT OF THE
259 ATTORNEY GENERAL *et al*, (names listed above) did NOT investigate and initiate
260 actions in civil and criminal violations in behalf of Plaintiffs, or the People of the
261 State of Hawaii. Plaintiffs filed Complaints with The Office of Elections, Election
262 Commission, The First Circuit Court of Hawaii, (1CCV-22-0000660),
263 The State of Hawaii Supreme Court *et al*, (SCEC-22-0000490, Dicks/ Malish)
264 (SCEC-22-0000498 Decker). The Department of the Attorney General *et al*, FAILED
265 to perform their duties as per their Sworn Oath of Office. The Attorney General and
266 the Deputy Attorney Generals did commit violations against Plaintiffs 1st, 5th, and
267 14th Amendments of the US Constitution, and did knowing or unknowingly and
268 did participate in actions in violation of 18 USC-§241, 18 U.S.C. §242, 42 U.S.C.
269 §1983, 42 U.S.C. §1985 (1),(2),(3), and Rico 18 U.S.C. §1962

Violations of State of Hawaii Constitution, the Bill of Rights, Political Power, Section 1, and Due Process and Equal Protection, Section 5, HRS §705-520 Criminal conspiracy, and HRS§19-3 Election Fraud.

COUNT 9

Plaintiffs aver that the STATE OF HAWAII SUPREME COURT, *et al*, (the 5 Justices listed above) did not allow any oral hearings on any of the cases filed in the State of Hawaii Supreme Court. *Cases SCEC-22-0000136, SCEC-22-0000490, SCEC-22-0000498, SCEC-22-0000682, SCEC-22-0000711*. Plaintiffs aver that the 5 Justices listed above did Violate their Sworn Oaths of Office and did commit violations against Plaintiffs 1st, 5th, and 14th Amendment Rights of the U.S. Constitution, and did knowing or unknowingly and did participate in actions in violation of 18 USC-§241, 18 U.S.C. §242, 42 U.S.C. §1983, 42 U.S.C. §1985 (1),(2),(3), and Rico 18 U.S.C. §1962, and Violations of State of Hawaii Constitution, the Bill of Rights, Political Power, Section 1, and Due Process and Equal Protection, Section 5, HRS §705-520 Criminal conspiracy, and HRS§19-3 Election Fraud.

COUNT 10

Plaintiffs aver;

- 2022 Primary Ballots were in violation of State statutes and Unconstitutional
- Primary Ballots clearly designed so Non Partisan (N) appeared to be a Qualified Political Party. Primary Ballot 2022 layout was in violation of HRS §12-21, HRS§12-31 Non partisan candidates must be clearly separated from, Political Party candidates.

- Primary Ballots clearly stated in the instructions as a requirement to cast a vote “you MUST select a political preference.” This is in violation State of Hawaii Constitution, Registration; Voting, Section 4.
- *Cases SCEC22-0000136, and SCEC-22-0000682,*
- Primary Ballots listed unopposed non partisan Candidates, and they did NOT advance to General Election. Violation of HRS§12-42. Unopposed candidates shall be considered elected. Plaintiff, Malish was listed as the only non partisan candidate (unopposed) in his race on the 2022 Primary Ballot . Plaintiff Malish a non partisan candidate was not advanced to General Election.

Plaintiffs aver STATE OF HAWAII SUPREME COURT *et al*, (the 5 Justices listed above) did violate Plaintiffs’ 1st, 5th, and 14th Amendments of the U.S. Constitution, and did knowing or unknowingly did participate in actions in violation of 18 USC-§241, 18 U.S.C. §242, 42 U.S.C. §1983, 42 U.S.C. §1985 (1),(2),(3), and Rico 18 U.S.C. §1962, and Violations of State of Hawaii Constitution, the Bill of Rights, Political Power, Section 1, Registration; Voting, Section 4, and Due Process and Equal Protection, Section 5, HRS §705-520 Criminal conspiracy, and HRS§19-3 Election Fraud.

COUNT 11

Plaintiffs aver that the STATE OF HAWAII SUPREME COURT *et al*, (the 5 Justices listed above) ignored case *SCEC-22-0000711* filed by Plaintiff Dicks. Office of Elections Certified the results of the Primary Election before there was a ruling

on Motion to Reconsider case *SCEC-22-0000490*, STATE OF HAWAII SUPREME COURT et al, (the 5 Justices listed above) did violate Plaintiffs' 1st, 5th, and 14th Amendments of the U.S. Constitution, and did knowing or unknowingly and did participate in actions in violation of 18 USC-§241, 18 U.S.C. §242, 42 U.S.C. §1983, 42 U.S.C. §1985 (1),(2),(3), and Rico 18 U.S.C. §1962, and Violations of State of Hawaii Constitution, the Bill of Rights, Political Power, Section 1, and Due Process and Equal Protection, Section 5, HRS §705-520 Criminal conspiracy, and violations of HRS §12-21, HRS §12-31, HRS §19-3 Election Fraud.

DECLARATIONS AND UNDISPUTED FACTS

- 1.) Hawaii Republican Party did not file List of Officers, Amendments to by-laws, as required to be a Qualified Political Party in 2020 and was late in 2022. Office of Elections takes no actions.
- 2.) Other political Parties did file List of Officers and Amendments of by-laws. Office of Elections Disqualification of 3 other Party's because they did not get Quotas of votes, against the HRP which was not in good standing, but remained on the ballots, and disadvantaged them from getting votes.
- 3.) Office of Elections declares no jurisdiction over Political Party violations on April 27, in response to April 26th Complaint filed.
- 4.) Election Commission ignores appeal of April 27th response and never responds.
- 5.) Agency appeal to First Circuit Court, Judge Ashford, dismissed, lack of jurisdiction, and merits of Complaint were not heard.

6.) A case was filed in First Circuit Court directly against Hawaii Republican Party, et al and Defendants (common names listed) for multiple violations. Judge Morikone, denies all of Plaintiffs motions, ignores 2 of the 3 motions filed on April 6, 2023, dismisses case on procedure issue (time to respond), merits of case still not heard.

7.) Plaintiffs emailed to HRP attorney a request to "Meet and Confer" April 27, 2023 4:44 pm HST. There was no response. Plaintiffs filed "meet and Confer" on the record July 13, 2023 DKT 166. No response.

8.) 2023 Primary Ballot Instructions clearly state, You MUST choose a Political Preference for your vote to be counted. That is a direct violation of Hawaii Constitution, Registration and Voting, Section 4.

9.) Plaintiff Malish was unopposed and still lost his race.

10.) Hawaii Supreme Court has never given Plaintiffs an Oral Hearing on any case.

11.) No one has ever disputed any of the FACTS in the Record that Plaintiffs have filed.

12.) Plaintiffs followed every step of the process, seeking Relief and Remedy. Plaintiffs to date have found NONE!

CASES RELATED TO THIS CASE;

SCEC-22-0000136- DICKS,

SCEC-22-0000490- DICKS,

SCEC-22-0000498-DECKER,

SCEC-22-0000504- CORDERY,

SCEC-22-0000711- DICKS,

SCEC-22-0000682- MALISH ,

SCEC-22-0000732 CORDERY

1CCV-22-0001597-DICKS,

1CCV-22-0000660- DICKS,

FEDERAL REFFERENCES

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Fourteenth Amendment.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

18 USC-§241- Conspiracy against Rights-

385 If two or more persons conspire to injure, oppress, threaten, or intimidate any
 386 person in any State, Territory, Commonwealth, Possession, or District in the free
 387 exercise or enjoyment of any right or privilege secured to him by the Constitution or
 388 laws of the United States, or because of his having so exercised the same; or

389
 390 18 U.S.C. §242- Deprivation of Rights Under Color of Law-

391 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully
 392 subjects any person in any State, Territory, Commonwealth, Possession, or District
 393 to the deprivation of any rights, privileges, or immunities secured or protected by
 394 the Constitution or laws of the United States, or to different punishments, pains, or
 395 penalties, on account of such person being an alien, or by reason of his color, or race,
 396 than are prescribed for the punishment of citizens, shall be fined under this title or
 397 imprisoned not more than one year, or both; and if bodily injury results from the
 398 acts committed in violation of this section or if such acts include the use, attempted
 399 use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined
 400 under this title or imprisoned not more than ten years, or both; and if death results
 401 from the acts committed in violation of this section or if such acts include
 402 kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to
 403 commit aggravated sexual abuse, or an attempt to kill, shall be fined under this
 404 title, or imprisoned for any term of years or for life, or both, or may be sentenced to
 405 death.

406 42 U.S.C. §1983 Civil action for deprivation of rights,

407 Every person who, under color of any statute, ordinance, regulation, custom, or
 408 usage, of any State or Territory or the District of Columbia, subjects, or causes to be
 409 subjected, any citizen of the United States or other person within the jurisdiction
 410 thereof to the deprivation of any rights, privileges, or immunities secured by the
 411 Constitution and laws, shall be liable to the party injured in an action at law, suit
 412 in equity, or other proper proceeding for redress, except that in any action brought
 413 against a judicial officer for an act or omission taken in such officer's judicial
 414 capacity, injunctive relief shall not be granted unless a declaratory decree was
 415 violated or declaratory relief was unavailable. For the purposes of this section, any

Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R.S. §1979; Pub. L. 96–170, §1, Dec. 29, 1979, 93 Stat. 1284 ; Pub. L. 104–317, title III, §309(c), Oct. 19, 1996, 110 Stat. 3853.)

42 U.S.C. §1985 (1),(2),(3)-Conspiracy to interfere with civil rights

(1) Preventing officer from performing duties

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat,

any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

RICO- USC-1962(d)

Section 1962(d) provides that it shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section. Unlike the general conspiracy statute applicable to federal crimes, which requires proof that at least one of the conspirators committed an “act to effect the object of the conspiracy, there is no requirement under section 1962(d) that an “overt act” or specific act be committed in furtherance of a RICO conspiracy.

Furthermore, a defendant who conspires to commit a substantive offense under section 1962(a), (b), or (c), can be convicted of a RICO conspiracy even though the defendant does not personally commit or agree to commit the racketeering activity or collection of unlawful debt required for commission of the underlying substantive offense.

STATE OF HAWAII REFERENCES

ARTICLE I. BILL OF RIGHTS. POLITICAL POWER.

Section 1. All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority. [Am Const Con 1978 and election Nov 7, 1978]

487 RIGHTS OF CITIZENS -

488 Section 8. No citizen shall be disfranchised, or deprived of any of the rights or
489 privileges secured to other citizens, unless by the law of the land. [Ren Const Con
490 1978 and election Nov 7, 1978]

491 DUE PROCESS AND EQUAL PROTECTION

492 Section 5. No person shall be deprived of life, liberty or property without due
493 process of law, nor be denied the equal protection of the laws, nor be denied the
494 enjoyment of the person's civil rights or be discriminated against in the exercise
495 thereof because of race, religion, sex or ancestry. [Ren and am Const Con 1978 and
496 election Nov 7, 1978]

497 ARTICLE II, SUFFRAGE AND ELECTIONS, REGISTRATION; VOTING-

498
499 Section 4. The legislature shall provide for the registration of voters and for
500 absentee voting and shall prescribe the method of voting at all elections. Secrecy of
501 voting shall be preserved; provided that no person shall be required to declare a
502 party preference or nonpartisanship as a condition of voting in any primary or
503 special primary election. Secrecy of voting and choice of political party affiliation or
504 nonpartisanship shall be preserved. [Am Const
505 Con 1978 and election Nov 7, 1978]

506 §11-2 Chief election officer; duties.

507 (a) The chief election officer shall supervise all state elections. The chief election
508 officer may delegate responsibilities in state elections within a county to the clerk of
509 that county or to other specified persons.

510 (b) The chief election officer shall be responsible for the maximization of
511 registration of eligible electors throughout the State. In maximizing registration,
512 the chief election officer shall make an effort to equalize registration between
513 districts, with particular effort in those districts in which the chief election officer
514 determines registration is lower than desirable. The chief election officer, in
515 carrying out this function, may make surveys, carry on house-to-house canvassing,
516 and assist or direct the clerk in any other area of registration.

517 (c) The chief election officer shall maintain data concerning registered voters,
518 elections, apportionment, and districting. The chief election officer shall use this

data to assist the reapportionment commission provided for under Article IV of the Constitution.

(d) The chief election officer shall be responsible for public education with respect to voter registration and information.

(e) The chief election officer shall adopt rules governing elections in accordance with chapter 91. [L 1970, c 26, pt of §2; am L 1979, c 51, §5; gen ch 1985; am L 1990, c 116, §2; am L Sp 1995, c 27, §§4, 15; am L 1996, c 173, §§2, 3, 8; am L 1997, c 2, §17; am L 1999, c 141, §3; am L 2003, c 8, §2]

[§11-2.8] Publication of election notices.

Notwithstanding any other statute, law, charter provision, ordinance, or rule to the contrary, whenever an election officer is required to issue a public notice in a statewide or county publication, the publication requirement shall be deemed satisfied upon the submission of the notice to the publication; provided that the notice is also conspicuously posted on the website associated with the election officer. The inadvertent failure of a publication to publish a notice in a timely manner shall not invalidate any legal consequences or actions associated with the notice. [L 2018, c 62, §1]

HRS§414D-138 Removal of directors elected by members or directors.

(a) The members may remove one or more directors elected by them without cause unless otherwise provided in the articles or bylaws.

(b) If a director is elected by a class, chapter, or other organizational unit, or by region or other geographic grouping, the director may be removed only by the members of that class, chapter, unit, or grouping.

§634-30 Organizations and associations.

Service of process on; judgment. When two or more persons associate and act, whether for profit or not, under a common name, including associating and acting as a labor organization or employer organization, whether the common name

comprises the names of the persons or not, they may sue in or be sued by the common name, and the process shall be served on any officer, trustee, or agent of the association if an officer, trustee, or agent can be found, or if no officer, trustee, or agent can be found as shown by the return of the serving officer, then upon any one or more members of the association, or as otherwise provided by rule of court. Any such service constitutes service upon the association. The judgment in those cases shall accrue to the joint or common benefit of and bind the joint or common property of the association, the same as though all members had been named as parties to the action. No judgment shall be enforceable against any person or the person's individual assets unless the:

(1) Person has been joined and served as an individual party to the action; or

(2) Judgment is so enforceable pursuant to section 634-3 or any other law. [L Sp 1949, c 4, §1; RL 1955, §230-39; HRS §634-66; am L 1972, c 89, §2A(j); ren HRS §634-30; am L 2016, c 55, §27]

§705-520 - Criminal conspiracy.

A person is guilty of criminal conspiracy if, with intent to promote or facilitate the commission of a crime:

(1) He agrees with one or more persons that they or one or more of them will engage in or solicit the conduct or will cause or solicit the result specified by the definition of the offense; and

(2) He or another person with whom he conspired commits an overt act in pursuance of the conspiracy. [L 1972, c 9, pt of §1]

IRREPARABLE INJURY

Plaintiffs fail to see how a price could possibly be calculated?

The injury can never be calculated, undone, or changed .

REQUEST FOR REMEDY AND RELIEF

The 3 Plaintiffs, jointly seek damages, restitution as follows:

• Plaintiffs aver Hawaii Republican Party should be disqualified for non compliance as per HRS§11-63, and due to the severity of and showing a pattern of violations, Plaintiffs plead this Honorable Court to Order that Hawaii Republican Party to be Disbanded. Plaintiffs Plead this Honorable Court to remove and to bar HRP Executive Committee members (common names listed above, HRS§634-30 (1)) from holding any positions or as Officers in any Political Party for a period of time of 5 years, after judgment is entered. (Judicial removal as per HRS§414D-140).

]

• \$25,000,000 (Twenty Five million) U.S. dollars in damages,

AFFIRMATION

Plaintiffs, under threat of perjury do swear that the afore going allegations, questions and statements are true and accurate to the best of our knowledge, all rights reserved;

Date: 8/31/23 City: Wahiawa

Name: Karl Dux Signature: [Signature]

Name: James Ryan Malish Signature: [Signature]

Name: Daniel Decker Signature: [Signature]

Name: _____ Signature: _____